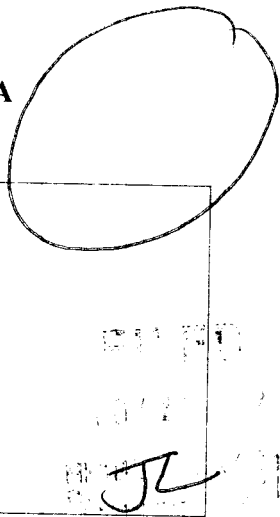


MB

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>FREE SPEECH COALITION, INC., et al.,</b>  <p style="text-align: center;"><b>Plaintiffs</b></p> <p style="text-align: center;">v.</p> <b>THE HONORABLE ERIC H. HOLDER, JR.,</b>  <p style="text-align: center;"><b>Defendant</b></p>	<b>CIVIL ACTION</b>  <b>NO. 9-4607</b>  <div style="text-align: right;">  </div>
--	---

**SUPPLEMENTAL SCHEDULING ORDER**

AND NOW, this 27th day of November, 2012, after argument on the government's pending motion to dismiss in part, the Court held a case management conference concerning discovery. It appears that discovery requests have been exchanged but very little, if any, documents have been produced by either party, although some information appears to have been exchanged. The Court emphasized the prior scheduling order (ECF 95) will be maintained and that any continuances requested by the parties must be supported by good cause and will be short in duration.

Although the transcript of the hearing will contain detailed rulings, the Court summarizes the most relevant new schedule requirements as follows:

1. The stay of discovery previously agreed upon by counsel has been terminated by virtue of dismissal of defendant's motion to dismiss.
2. Counsel shall forthwith begin a dialogue concerning resolution of objections already served and develop a schedule for production of documents. The Court anticipates that the government will produce reports by the FBI agents who

conducted the searches, subject to any redactions that can be made pursuant to a protective order to be agreed upon by counsel and/or submitted to the Court for decision if no agreement can be reached. The Court will, if necessary, review documents *in camera* if there is a dispute about their production. Any discovery disputes should be submitted to the Court by letter (limited to five (5) pages) by the close of business on December 10, 2012, advising the Court as to the status of discovery and summarizing any disputes.

3. A telephone conference is scheduled with counsel for December 13, 2012 at 1:30 p.m. Plaintiffs' counsel shall initiate the call and when all counsel are on the phone, Chambers shall be connected.

4. If necessary, another telephone conference will take place on December 20, 2012, at 1:30 p.m. The Court's intention is to resolve any initial discovery disputes between the parties by December 20, 2012.

5. The Court discussed with parties their intentions about depositions and encouraged counsel to discuss with each other the identity, location and length of proposed depositions and for counsel to reserve appropriate time on their schedules for this purpose in the January-March time period, and to avoid scheduling depositions at the last minute.

6. The Court instructed counsel for the government to expand staff on this case so that all discovery requirements can be adequately staffed on a timely basis.

7. The deadline of November 28, 2012 for follow-up additional written discovery, stated in paragraph 26 of the Scheduling Order of September 10, 2012, is extended to December 19, 2012. However, any objections must be served by January 7.

2013, and responses, including production of documents not objected to, shall be made by January 14, 2013. The Court will promptly schedule, on request, a telephone conference with counsel as to any unresolved objections.

8. The timeline for dispositive motions is as follows:

- a) The filing of dispositive motions: April 5, 2013.
- b) Responses by: April 19, 2013;
- c) Reply briefs by April 26, 2013.

9. The trial pool date for this case is: June 11, 2013.

10. A final pretrial conference will be scheduled to take place after ruling on dispositive motions.

As the Court indicated, in view of the nature of the remand of this case from the Third Circuit, a prompt development and resolution of factual issues is very much in the interest of the parties and the public. As noted above, any requests for extensions of time in the above schedule must be supported by good cause and will be of short duration.

BY THE COURT:



MICHAEL M. BAYLSON, U.S.D.J.